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14 MAY 2007

In re Application of	:	
STROBEL, et al.	:	DECISION ON PETITION
U.S. Application No.: 10/531,201	:	
PCT No.: PCT/EP03/11347	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 14 October 2003	:	
Priority Date: 14 October 2002	:	
Atty Docket No.: 60680-2030	:	
For: ELECTROCHEMICAL SYSTEM	:	

This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.497(D)" filed 25 April 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 March 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.497(d). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 25 April 2007, applicant filed the present renewed petitions.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

- (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) the fee set forth in 37 CFR 1.17(h); and
- (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b); and
- (4) any new oath or declaration required by paragraph (f) of this section.

Applicant previously satisfied items (1), (2) and (4).

Regarding item (3), applicant has presently provided a signed statement from the assignee consenting to the addition of the inventor and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons discussed above, the renewed petition under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application has an international application filing date of 14 October 2003 and will be given a date of **08 February 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



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